

THE PRESIDING OFFICER:⁽¹⁴⁾ A quorum is not present.

MR. [MICHAEL J.] MANSFIELD [of Montana]: Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

THE PRESIDING OFFICER: The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE PRESIDING OFFICER: The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names: . . .

THE PRESIDING OFFICER: A quorum is present.

Parliamentarian's Note: Under House procedures, where a quorum fails to respond on a vote on a pending matter or motion, and the House adjourns, the unfinished business when the House reconvenes is the vote on the pending matter; but where the House simply adjourns in the absence of a quorum, a quorum is presumed present when the House reconvenes and there is no requirement to affirmatively establish a quorum.

§ 9.—To Dispense With Further Proceedings Under the Call

Appearance of a quorum and passage of the motion to dispense

14. Howard W. Cannon (Nev.).

with further proceedings are necessary before pending business may be resumed⁽¹⁵⁾ following a call of the House ordered on motion under Rule XV clause 2(a).⁽¹⁶⁾ Agreement to the motion terminates the call of the House,⁽¹⁷⁾ and efforts to call other Members to the Chamber,⁽¹⁸⁾ including notation of absentees, arrest, and discharge of Members, and opens the doors.⁽¹⁹⁾ The motion is not required on automatic votes by the yeas and nays because Rule XV clause 4,⁽²⁰⁾ which authorizes this procedure, provides that when the Speaker declares that a quorum is constituted, "further proceedings under the call shall be considered as dispensed with."⁽¹⁾

The motion is not in order when a motion to arrest absent Members is pending,⁽²⁾ and is not entertained until a quorum responds on the call,⁽³⁾ is not preferential to

15. §9.7, *infra*.

16. *House Rules and Manual* §768 (1979)

17. §9.8, *infra*.

18. §9.10, *infra*.

19. §§9.9, 9.10, *infra*.

20. *House Rules and Manual* §773 (1979).

1. *Id.*

2. 4 Hinds' Precedents §§3029, 3037, and annotation to Rule XV clause 2(a), *House Rules and Manual* §770 (1979)

3. 6 Cannon's Precedents §689, and annotation to Rule XV clause 2(a),

a motion to adjourn,⁽⁴⁾ but is not subject to challenge on a point of order of no quorum.⁽⁵⁾ Unless a majority agrees to the motion, however, pending business cannot resume⁽⁶⁾ and efforts to secure the attendance of absentees continue until all Members have been called for.⁽⁷⁾

A recently adopted rule, Rule XV clause 6(a)(4), adopted Apr. 9, 1974, provides that points of no quorum will not be in order "during the offering, consideration, and disposition of any motion incidental to a call of the House." (Motions to dispense with proceedings under the call are considered "incidental to a call of the House.") Clause 6(e)(2) of Rule XV was amended in the 96th Congress to automatically dispense with further proceedings under any call of the House when a quorum appears unless the Speaker in his discretion recognizes for a motion. The effects of these recent provisions will be discussed in supplements to this edition.

Tabling of Motion

§ 9.1 Since the motion to dispense with further pro-

House Rules and Manual §770 (1979).

4. 8 Cannon's Precedents §§ 2643, 2644; § 9.4, *infra*.
5. §§ 9.12, 9.13, *infra*.
6. § 9.7, *infra*.
7. § 9.10, *infra*.

ceedings under a call of the House is neither debatable nor amendable, the motion to table (Rule XVI clause 4)⁽⁸⁾ is not in order.

On Aug. 27, 1962,⁽⁹⁾ during consideration of Senate Joint Resolution 29, an amendment pertaining to qualification of electors, Speaker John W. McCormack, of Massachusetts, made a ruling regarding the motion to dispense with further proceedings.⁽¹⁰⁾

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Speaker, I demand that the Journal be read in full.

THE SPEAKER: The Clerk will read the Journal in full.

The Clerk continued with the reading of the Journal.

MR. WILLIAMS (interrupting reading of the Journal): Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The Chair will count. [After counting.] Seventy-eight Members are present, not a quorum.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

8. *House Rules and Manual* §782 (1979).

9. 108 CONG. REC. 17653, 87th Cong. 2d Sess.

10. See 114 CONG. REC. 26453, 90th Cong. 2d Sess., Sept. 11, 1968, for another illustration of this principle.

THE SPEAKER: On this rollcall, 356 Members have answered to their names, a quorum.

MR. WILLIAMS: Mr. Speaker, I object to dispensing with further proceedings under the call of the House.

MR. ALBERT: Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

THE SPEAKER: The question is on the motion.

MR. WILLIAMS: Mr. Speaker, I move to lay that motion on the table.

MR. ALBERT: Mr. Speaker, I make the point of order that the motion to lay on the table is not in order.

THE SPEAKER: The motion to dispense with further proceedings under the call is not debatable and not subject to amendment and, therefore, the motion to lay on the table is not in order.

The question is on the motion to dispense with further proceedings under the call.

The question was taken.

Parliamentarian's Note: Three quorum calls and two record votes on dispensing with further proceedings under the quorum calls interrupted reading of the Journal and delayed the Speaker's recognition of a Member to move to suspend the rules and pass a joint resolution proposing a constitutional amendment to abolish use of a poll tax as a qualification for voting in elections of federal officials.

Effect of Adoption or Rejection of Motion

§ 9.2 A Member failing to respond on a call of the House

may not be recorded as present on that roll call if the House has already agreed to a motion to dispense with further proceedings under the call.

On Apr. 3, 1935,⁽¹¹⁾ the Speaker pro tempore made a ruling relating to recording a Member.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ Three hundred and forty-four Members have answered to their names, a quorum.

MR. [EDWARD T.] TAYLOR of Colorado: Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MR. [JOHN J.] MCSWAIN [of South Carolina]: Mr. Speaker, I was present and did not hear my name called. I desire to have my name called and to answer "present."

THE SPEAKER PRO TEMPORE: The request of the gentleman comes too late, but the Record will show that he is here. The gentleman from Texas is recognized for 1 hour.

§ 9.3 If a motion to dispense with further proceedings under a call for a quorum is rejected, the Members present remain in the Chamber until the Sergeant at Arms brings in enough Mem-

11. 79 CONG. REC. 4925, 74th Cong. 1st Sess.

12. John E. Rankin (Miss.).

bers to make the full membership.

On July 29, 1946,⁽¹³⁾ a motion to dispense with further proceedings under the call was rejected.

Mr. Rankin and Mr. Marcantonio moved a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER:⁽¹⁴⁾ On this roll call 240 Members have answered to their names, a quorum.

If there is no objection, further proceedings under the call will be dispensed with.

MR. [FRANK E.] HOOK [of Michigan]: Mr. Speaker, I object.

MR. [WILLIAM C.] COLE of Missouri: Mr. Speaker, I object.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. Hook) there were—ayes 115, noes 1. . . .

MR. COLE of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. COLE of Missouri: Should this motion be voted down and should further proceedings under the call be not dispensed with will the Chair please state the procedure to be followed then?

13. 92 CONG. REC. 10409, 79th Cong. 2d Sess.

14. Sam Rayburn (Tex.).

THE SPEAKER: We stay here until the Sergeant-at-Arms brings in enough Members . . . to make the full membership.

Precedence of Motion to Adjourn

§ 9.4 A yea and nay vote that the House adjourn takes precedence over a vote on dispensing with further proceedings under a call of the House.

On Feb. 15, 1950,⁽¹⁵⁾ Speaker Sam Rayburn, of Texas, entertained a motion to adjourn following a division vote dispensing with further proceedings under a call of the House, and when the House refused to adjourn, put the question de novo on the motion to dispense with proceedings under the call.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I move that further proceedings under the call be dispensed with.

THE SPEAKER: The question is on the motion offered by the gentleman from Massachusetts [Mr. McCormack].

The question was taken; and on a division (demanded by Mr. Pickett) there were—ayes 126, noes 17. . . .

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, a preferential motion. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

15. 96 CONG. REC. 1810, 1811, 81st Cong. 2d Sess.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 198, not voting, 103, as follows: . . .

The result of the vote was announced as above recorded.

THE SPEAKER: The question is on the motion of the gentleman from Massachusetts [Mr. McCormack] to dispense with further proceedings under the call.

MR. [THOMAS J.] PICKETT [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PICKETT: Mr. Speaker, at the time the gentleman from Michigan moved to adjourn, the Speaker had just stated what the question was—which was the motion of the gentleman from Massachusetts [Mr. McCormack] to dispense with further proceedings under a preceding call of the House. I objected to the vote, as was revealed by a division on the question, on the ground that a quorum was not present. Is not now the order of business an automatic roll call on the motion of the gentleman from Massachusetts [Mr. McCormack]?

THE SPEAKER: No; it is not. The vote now comes de novo.

The question is on the motion of the gentleman from Massachusetts [Mr. McCormack].

Parliamentarian's Note: Under 8 Cannon's Precedents §§2643, 2644, the motion to adjourn takes precedence over the motion to dispense with further proceedings.

Member Retains Floor After the Call

§ 9.5 When a Member holding the floor is interrupted by a

call of the House, he is again entitled to the floor when a motion to dispense with further proceedings under the call has been agreed to.

On June 4, 1963,⁽¹⁶⁾ Speaker John W. McCormack, of Massachusetts, ruled on the right of a Member to hold the floor under a special order after the House had agreed to a motion to dispense with further proceedings under the call of the House.⁽¹⁷⁾

Receipt of Senate Message During Pendency of Motion

§ 9.6 A message from the Senate was received following a call of the House while a motion to dispense with further proceedings under the call was pending and prior to the reading and approval of the Journal.

On Sept. 11, 1968,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, received a message while a motion to dispense with proceedings was pending and before the Journal had been read.

THE SPEAKER: On this roll call 356 Members have answered to their names, a quorum.

16. 109 CONG. REC. 10154, 88th Cong. 1st Sess.

17. For the proceedings of the House on this date, see § 8.24, *supra*.

1. 114 CONG. REC. 26453, 26454, 90th Cong. 2d Sess.

Without objection, further proceedings under the call will be dispensed with.

MR. [ROBERT] TAFT [Jr., of Ohio]: Mr. Speaker, I object.

THE SPEAKER: The gentleman objects? The Chair wishes to get the Record correct. The gentleman objects to further proceedings under the call being dispensed with?

MR. TAFT: I do object, Mr. Speaker.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that further proceedings under the call be dispensed with. . . .

THE SPEAKER: . . . Before presenting the motion, the Chair will receive a message.

MESSAGE FROM THE SENATE

THE DOORKEEPER: Mr. Speaker, message from the Senate.

THE SECRETARY (Mr. Arrington): Mr. Speaker—

THE SPEAKER: Mr. Secretary.

THE SECRETARY: Mr. Speaker, I have been directed by the Senate to inform the House that the Senate has agreed to the conference report on the bill S. 3293, to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes

Parliamentarian's Note: Under Rule XV clause 6(a)(3), adopted Apr. 9, 1974, a quorum is not required to receive a message from the Senate.

Effect on Pending Business

§ 9.7 After a quorum has responded on a call of the House, further proceedings under the call must be dispensed with before the House can proceed with pending business.

On Oct. 8, 1968,⁽²⁾ a point of no quorum and a call of the House having interrupted the reading of the Journal, Speaker John W. McCormack, of Massachusetts, made a statement regarding the need for a motion to dispense with further proceedings after a quorum had responded on the call.

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ADAMS: It is my understanding that under rule XV—and I direct this as a parliamentary inquiry—that though the call had been made, if there was not a motion made for a majority vote to go and get the Members, and a quorum was present and the doors were locked, the business could proceed even though the call had been started? Is that correct or incorrect?

THE SPEAKER: The Chair will state that further proceedings—in this case the reading of the Journal—could not proceed until further proceedings

2. 114 CONG. REC. 30094, 90th Cong. 2d Sess.

under the call have been dispensed with.

Adoption of Motion Terminates Call

§ 9.8 A motion to dispense with further proceedings under a call of the House may be agreed to by less than a quorum, if a quorum has responded on the call.

On May 14, 1930,⁽³⁾ a motion to dispense with further proceedings ended the call of the House.

MR. [CHARLES R.] CRISP [of Georgia]: Then, Mr. Speaker, I move to dispense with further proceedings under the call.

THE SPEAKER PRO TEMPORE [John Q. Tilson, of Connecticut]: The question is on the motion of the gentleman from Georgia to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. Stafford) there were—ayes 83, noes 22.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, I object to the vote because there is no quorum present, and make the point of order that there is no quorum present. . . .

THE SPEAKER PRO TEMPORE: It does not require a quorum to dispense with further proceedings under the call.⁽⁴⁾

§ 9.9 Passage of the motion to dispense with further pro-

3. 72 CONG. REC. 8962, 8963, 71st Cong. 2d Sess.

4. See also §9.11, *infra*.

ceedings opens the doors after a call of the House.

On May 14, 1930,⁽⁵⁾ Speaker pro tempore John Q. Tilson, of Connecticut, responded to a parliamentary inquiry regarding the purpose of the motion to dispense with further proceedings.

MR. [EARL C.] MICHENER [of Michigan]: My question was, whether, under the proceedings of the House, where absentees are ordered to be arrested and brought in, where the doors are closed, where the roll is called, and where the absentees are brought in one at a time and brought before the bar of the House to answer to their names, and immediately the Speaker announces that a quorum is present, and the next thing to do is to move to dispense with further proceedings under the call, the doors cannot be opened until that motion is agreed to.

THE SPEAKER PRO TEMPORE: The gentleman is correct in his statement. The Chair takes no issue with him.

§ 9.10 The purpose of the motion to dispense with further proceedings under the call, a matter decided by the membership, is to open the doors and terminate efforts to call other Members to the Chamber; if the motion is not agreed to, the call of the House continues until all Members are sent for.

5. 72 CONG. REC. 8963, 71st Cong. 2d Sess.

On Feb. 22, 1950,⁽⁶⁾ [Calendar Wednesday], Speaker Sam Rayburn, of Texas, made a ruling regarding the House's decision-making responsibility on a motion to dispense with further proceedings.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. KEEFE: Where a point of order of no quorum has been made and the Speaker directs the calling of the roll, and at the conclusion of the calling of the roll a quorum is established, what further proceedings under the call are contemplated that require the making of a motion that further proceedings under the call be dispensed with, and force another roll call on that issue?

THE SPEAKER: It might be possible that the Members present would want to call other Members to the session; they might want to send out to get absent Members.

MR. KEEFE: With all due deference to the Speaker, I am merely seeking information. I have been here 12 years and this is a matter that has always bothered me and bothered many other Members of the House. Is there any reason why further proceedings should be had once the call of the roll indicates the presence of a quorum?

THE SPEAKER: That is a matter to be decided by the membership of the House. They may want other Members here for the consideration of certain

business; they could have a further call of the House and send out and get the absent Members.

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, may I be heard?

THE SPEAKER: The Chair recognizes the gentleman from Massachusetts.

MR. McCORMACK: The Speaker is absolutely correct, but may I not add the further thought that when a quorum call is made the doors are closed, and the Sergeant at Arms is directed to notify absent Members. There are certain procedures that must be followed after the calling of the roll, such as the opening of the doors. Furthermore, when a quorum call is made it presumably continues or could continue until Members are sent for. That motion is made to bring it to a definite conclusion.

Quorum Requirement

§ 9.11 A motion to dispense with further proceedings under a call of the House does not require a quorum for adoption.

On July 23, 1942,⁽⁷⁾ after a quorum had responded on a call of the House, Speaker Sam Rayburn, of Texas, made a ruling respecting the motion to dispense with further proceedings.⁽⁸⁾

THE SPEAKER: Without objection, further proceedings under the call will be dispensed with.

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, I object to that.

6. 96 CONG. REC. 2160, 2161, 81st Cong. 2d Sess.

7. 88 CONG. REC. 6542, 77th Cong. 2d Sess.

8. See also 86 CONG. REC. 13043, 76th Cong. 3d Sess., Oct. 8, 1940.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I move to dispense with further proceedings under the call.

THE SPEAKER: The question is on dispensing with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. Rankin of Mississippi) there were—ayes 101, noes 5.

MR. RANKIN of Mississippi: Mr. Speaker, I object to the vote upon the ground that there is no quorum present and make the point of order that there is no quorum present.

THE SPEAKER: The Chair overrules the point of order, because the House can dispense with further proceedings under the call without the presence of a quorum.⁽⁹⁾

The gentleman from Mississippi is out of order at the moment. The Chair has already ruled, and in conformity with a long line of decisions.

So the motion to dispense with further proceedings under the call was agreed to.

§ 9.12 A motion to dispense with further proceedings under a call of the House is not subject to a point of no quorum where the call has disclosed the presence of a quorum.

On Oct. 8, 1968,⁽¹⁰⁾ during the reading of the Journal, Speaker

9. *Parliamentarian's Note*: Motions incidental to a call of the House do not require a quorum for adoption. This principle was formally incorporated into Rule XV clause 6(a)(4) on Apr. 9, 1974.

10. 114 CONG. REC. 30090, 90th Cong. 2d Sess.

John W. McCormack, of Massachusetts, refused to entertain a point of no quorum.

MR. [DONALD] RUMSFELD [of Illinois]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The gentleman from Illinois makes the point of order that a quorum is not present. Evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 279 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

MR. RUMSFELD: Mr. Speaker, I object to dispensing with further proceedings under the call.

MR. [RAY J.] MADDEN [of Indiana]: Mr. Speaker, I move that further proceedings under the call be dispensed with.

MR. [ROBERT] TAFT [Jr., of Ohio]: Mr. Speaker, I object.

THE SPEAKER: The gentleman from Indiana [Mr. Madden] has moved that further proceedings under the call be dispensed with. An objection is not in order.

The question is on the motion offered by the gentleman from Indiana.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. TAFT: Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will state that the rollcall that has just been concluded discloses that a quorum is present and no business has been transacted up to this point.

So the motion was agreed to.

§ 9.13 A motion to dispense with further proceedings under a call of the House, while not entertained until a quorum responds on the call, may be agreed to by less than a quorum thereafter.

On Sept. 11, 1968,⁽¹¹⁾ Speaker John W. McCormack, of Massachusetts, ruled on the quorum requirement for a motion to dispense with further proceedings under the call.

MR. [DONALD] RUMSFELD [of Illinois]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER: The gentleman from Illinois makes the point of order that a quorum is not present, and evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall [No. 314] 356 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

MR. [ROBERT] TAFT [Jr., of Ohio]: Mr. Speaker, I object.

THE SPEAKER: The gentleman objects? The Chair wishes to get the Record correct. The gentleman objects to further proceedings under the call being dispensed with?

MR. TAFT: I do object, Mr. Speaker.

MR. ALBERT: Mr. Speaker, I move that further proceedings under the call be dispensed with. . . .

Before presenting the motion, the Chair will receive a message.

MESSAGE FROM THE SENATE

THE DOORKEEPER: Mr. Speaker, a message from the Senate. . . .

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER THE CALL

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

The question was taken; and the Speaker announced that ayes appeared to have it.

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will refer the gentleman to the rules of the House; and under the rules of the House it does not require a quorum to dispense with further proceedings under the call.

MR. CURTIS: Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. Albert and Mr. Curtis.

11. 114 CONG. REC. 26453, 90th Cong. 2d Sess.

The House divided, and the tellers reported that there were—ayes 100, noes 64.

MR. RUMSFELD: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

Yea and Nay Votes

§ 9.14 The yeas and nays have been ordered on a motion to dispense with further proceedings under a call of the House, where a quorum had appeared on the call.

On June 5, 1946,⁽¹²⁾ the yeas and nays were ordered on a motion to dispense with the call.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER:⁽¹³⁾ On this roll call 290 Members have answered to their names, a quorum.

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Speaker, I move that further proceedings under the roll call be dispensed with.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 284, nays 6, not voting 140, as follows: . . .

§ 9.15 Because the motion to dispense with further pro-

ceedings under a call of the House (an incidental motion once a quorum has responded on the call) may be agreed to by less than a quorum, objection to the vote thereon on the ground that a quorum is not present does not force an automatic roll call under Rule XV clause 4.⁽¹⁴⁾

On Sept. 11, 1968,⁽¹⁵⁾ an automatic roll call did not result after a Member, Thomas B. Curtis, of Missouri, objected to the vote on the motion to dispense with further proceedings on the ground that a quorum was not present and made a point of order to that effect.

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER THE CALL

THE SPEAKER:⁽¹⁶⁾ The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

The question was taken; and the Speaker announced that ayes appeared to have it.

MR. CURTIS: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will refer the gentleman to the rules of the

12. 92 CONG. REC. 6354, 79th Cong. 2d Sess.

13. Sam Rayburn (Tex.).

14. See *House Rules and Manual* §773 (1979).

15. 114 CONG. REC. 26453, 90th Cong. 2d Sess.

16. John W. McCormack (Mass.).

House; and under the rules of the House it does not require a quorum to dispense with further proceedings under the call.

MR. CURTIS: Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. Albert and Mr. Curtis.

The House divided, and the tellers reported that there were—ayes 100, noes 64.

MR. [DONALD] RUMSFELD [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

§ 9.16 After a quorum has been established by a call of the House pursuant to Rule XV clause 2(a),⁽¹⁷⁾ a motion to dispense with further proceedings under the call does not require a quorum for adoption [and therefore an “automatic roll-call” under Rule XV, clause 4, is not in order on the motion].

On Aug. 15, 1972,⁽¹⁸⁾ Speaker Carl Albert, of Oklahoma, refused to entertain a point of no quorum on a motion to dispense with proceedings under the call.

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Speaker, I make the point of order that a quorum is not present.

17. See *House Rules and Manual* § 768 (1979).

18. 118 CONG. REC. 28255, 92d Cong. 2d Sess.

THE SPEAKER: Evidently, a quorum is not present.

MR. [JAMES A.] BYRNE [of Pennsylvania]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 366 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

MR. FRASER: Mr. Speaker, I do object to dispensing with further proceedings under the rollcall.

THE SPEAKER: The question is on dispensing with further proceedings under the call.

The question was taken; and the Speaker announced that the yeas had it.

MR. FRASER: Mr. Speaker, I object to the vote on the ground that a quorum was not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will remind the gentleman that the House has just established a quorum and there has been no intervening business. There is a quorum present. Under the call of the House a quorum is present.

Objections to Dispensing With Further Proceedings Under the Call

§ 9.17 Where objection is made to a unanimous-consent request to dispense with further proceedings under a

call, the Chair may put the question to the House for a vote.

On Jan. 23, 1950,⁽¹⁹⁾ Speaker Sam Rayburn, of Texas, put the question to dispense with further proceedings to a vote.

THE SPEAKER: On this roll call 392 Members have answered to their names; a quorum is present.

Without objection, further proceedings under the call will be dispensed with.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, I object.

THE SPEAKER: The question is on the motion to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. Davis of Georgia) there were—ayes 144, noes 11. . . .

MR. DAVIS of Georgia: Mr. Speaker, I demand the yeas and nays on this vote.

The yeas and nays were refused.

So the motion to dispense with further proceedings on the call was agreed to.

§ 9.18 Where objection is raised to a unanimous-consent request to dispense with further proceedings under a call of the House, a motion to that effect is in order.

On Oct. 8, 1968,⁽²⁰⁾ Speaker John W. McCormack, of Massa-

19. 96 CONG. REC. 772, 81st Cong. 2d Sess.

20. 114 CONG. REC. 30212, 90th Cong. 2d Sess.

chusetts, made a statement as to the effect of an objection to a request to dispense with further proceedings under a call of the House.

THE SPEAKER: The Chair will recognize the gentleman on a parliamentary inquiry.

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I am reserving the right to object.

As part of my reservation, Mr. Speaker the previous parliamentary inquiry was for the situation where a quorum was not present, but now, under the rule I am inquiring of the Chair about as part of my reservation, I am asking whether or not, if I object, will the call then proceed and those absent without excuse will be required to come to the Chamber "and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged"?

THE SPEAKER: The Chair will state that if any Member should object, a motion to dispense with further proceedings under the call would be in order, and the Chair would put the motion.

§ 9.19 Objection having been raised to a unanimous-consent request to dispense with further proceedings under a call of the House, the question was moved and agreed to on a division vote.

On June 4, 1953,⁽²¹⁾ the House voted on a motion to dispense with further proceedings.

21. 109 CONG. REC. 10151, 10152, 10154, 88th Cong. 1st Sess.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

THE SPEAKER:⁽¹⁾ The question is on the motion of the gentleman from Oklahoma.

MR. [JOHN BELL] WILLIAMS [of Mississippi]: Mr. Speaker, on that I ask for a division.

The question was taken; and there were—ayes 154, noes 2.

So a call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names: . . .

THE SPEAKER: On this rollcall 339 Members have answered to their names, a quorum is present.

Without objection, further proceedings under the call will be dispensed with.

MR. WILLIAMS: I object, Mr. Speaker.

MR. ALBERT: Mr. Speaker, I move that further proceeding under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. Williams) there were—ayes 213, noes 8.

So the motion was agreed to.

B. EFFECT OF PRESENCE OR ABSENCE OF A QUORUM

§ 10. Introductory

This section focuses on the effect of presence or absence of a quorum, including an analysis of proceedings which do and do not require a quorum. An axiom of parliamentary procedure is that the House cannot conduct business after the absence of a quorum has been announced.⁽²⁾ However, “business” is a term of

art which does not encompass all activities.

Prior to inclusion in the 93d Congress of clause 6 (a)–(d), Rule XV, on Apr. 9, 1974,⁽³⁾ as amended by the addition of paragraph (e) on Jan. 4, 1977,⁽⁴⁾ in the 95th Congress, proceedings which, under the precedents, required a quorum included reading and approval of the Journal,⁽⁵⁾ reading veto messages⁽⁶⁾ and other messages from the President and Sen-

1. John W. McCormack (Mass.).

2. §§ 10.4–10.7, *infra*.

3. Rule XV clause 6(a)–(d), *House Rules and Manual* § 774c (1981) provides as follows:

4. Rule XV clause 6(e), *House Rules and Manual* § 774c (1979) provides as follows:

5. Annotation to U.S. Const. art. I, § 5, *House Rules and Manual* § 55 (1979);

4 Hinds' Precedents §§ 2732, 2733; and 6 Cannon's Precedents §§ 625, 629. See also § 11, *infra*, for a discussion of objections to a point of no quorum in proceedings related to the Journal.

6. 4 Hinds' Precedents § 3522; 7 Cannon's Precedents § 1094.